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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,500	12/10/2001	William H. Bauman	3100-00006	8344

7590 09/17/2003

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EXAMINER

STRIMBU, GREGORY J

ART UNIT PAPER NUMBER

3634

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/016,500

Applicant(s)

BAUMAN ET AL.

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "29" has been used to designate both right and left end plugs in figure 2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "or" on line 1 of claim 1 render the claims indefinite because it is unclear which one of the two non-equivalent alternatives the applicant is positively setting forth. Recitations such as "said one end of said channel" on line 9 of claim 1 renders the claims indefinite because they lack antecedent basis. Recitations such as "the front edge of said ramp" on line 9 of claim 9 render the claims indefinite because they lack antecedent basis. Recitations such as "a sill assembly" on line 3 of claim 11 render the claims indefinite because it is unclear whether or not the applicant is referring to the sill assembly set forth above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Headrick in view of Bates. Headrick discloses a sill assembly for a door or window comprising an elongated frame member 12 formed with a longitudinally extending upwardly open channel 13 that defines a rear wall 16, a front wall 17 and a floor 14 that extends laterally, and a sill 18 that extends laterally from the front wall to a forward edge of the frame member and an end plug 36 adapted to be securely mounted to one end of the elongated frame member, the end plug having a laterally extending drainage ramp comprising the upper portion of 42 disposed at a location flush with and immediately adjacent to the floor of the channel, the plug further includes a drainage chamber comprising the lower portion of 42 communicating with the ramp, the chamber includes an opening, not numbered but seen in figure 1, the plug further including a mounting plate (not numbered, but comprising the right hand side of the plug as seen in figure 1). Headrick is silent concerning the slope of the floor.

However, Bates discloses a floor 19 of a sill assembly 12 which slopes downwardly.

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It would have been obvious to one of ordinary skill in the art to provide Headrick with a floor having a slope, as taught by Bates, to ensure the proper drainage of the water.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Headrick in view of Bates as applied to claims 1-4 and 7 above, and further in view of Kessler. Kessler discloses a drainage chamber 10 having a hinged weep door 38.

It would have been obvious to one of ordinary skill in the art to provide Headrick, as modified above, with a hinged weep door, as taught by Kessler, to prevent unwanted material from entering the end plug.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Headrick in view of Bates as applied to claims 1-4 and 7 above, and further in view of Reithmeyer et al. Reithmeyer et al. discloses an end plug 120 including mounting plate 123.

It would have been obvious to one of ordinary skill in the art to provide Headrick, as modified above, with a mounting plate, as taught by Reithmeyer et al., to more securely attach the sill assembly to the jambs.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Headrick in view of Bates as applied to claims 1-4 and 7 above, and further in view of Levenez. Levenez discloses a plug 29 having a guide member 32 comprising a substantially channel-shaped flange as shown in figure 10.

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It would have been obvious to one of ordinary skill in the art to provide Headrick, as modified above, with a channel shaped flange, as taught by Levenez, to reduce the cost of manufacturing the end plug.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Headrick in view of Young. Headrick discloses an end plug 36 comprising an elongate body having a rearward portion (not numbered, but seen in figure 1) and a forward portion (not numbered, but seen in figure 1), the body having a rear wall 39 and a front wall 44 and an upstanding support wall (not numbered, but seen in figure 1 as the right hand end wall of the plug) extending longitudinally between the rear and front walls, a ramp (not numbered, but seen as the upper portion of 42) integrally formed on the support wall in the rearward portion of the body, the ramp extending forwardly and sloping downwardly from the rear wall, a drainage chamber (not numbered, but comprising the forward portion of 42) formed in the forward portion of the body, the drainage chamber communicating with the ramp and defined at least partially by the support wall and the front wall, and the front wall having an opening (not numbered, but seen in figure 1) formed therein, the drainage chamber includes a top wall 12 extending from the support wall, a guide member 37. Headrick is silent concerning a front edge.

However, Young discloses a ramp 48 having an edge (not numbered, but seen in figure 3).

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It would have been obvious to one of ordinary skill in the art to provide the ramp of Headrick with an edge, as taught by Young, to increase the flow rate of the water from the rear portion of the plug towards the front portion of the plug.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Headrick in view of Young as applied to claims 9-11 above, and further in view of Levenez. Levenez discloses a plug 29 having a guide member 32 comprising a substantially channel-shaped flange as shown in figure 10.

It would have been obvious to one of ordinary skill in the art to provide Headrick, as modified above, with a channel shaped flange, as taught by Levenez, to reduce the cost of manufacturing the end plug.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Headrick in view of Young as applied to claims 9-11 above, and further in view of Kessler. Kessler discloses a drainage chamber 10 having a hinged weep door 38.

It would have been obvious to one of ordinary skill in the art to provide Headrick, as modified above, with a hinges weep door, as taught by Kessler, to prevent unwanted material from entering the end plug.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Headrick in view of Young as applied to claims 9-11 above, and further in view of

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Reithmeyer et al. Reithmeyer et al. discloses an end plug 120 including mounting plate 123.

It would have been obvious to one of ordinary skill in the art to provide Headrick, as modified above, with a mounting plate, as taught by Reithmeyer et al., to more securely attach the sill assembly to the jambs.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. O'Donnell, Gould, Li, Hagemeyer and Stillwell are cited for disclosing a sill having water drainage means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Gregory J. Strimbu

Primary Examiner

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September 12, 2003